

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Itzhak Bentwich
 App. No.: 10/709,572
 Conf. No.: 3571
 Filing Date: May 14, 2004

Art Unit: 1635
 Examiner: WOLLENBERGER, LOUIS V.
 Title: BIOINFORMATICALLY DETECTABLE
 GROUP OF NOVEL REGULATORY
 OLIGONUCLEOTIDES AND USES
 THEREOF

REPLY UNDER 37 C.F.R. § 1.111

Dear Sir:

In reply to the Office Action mailed April 11, 2007 (the "Office Action") and in accordance with the Rule of Practice, please consider the remarks below

No fees are believed to be due in connection with the filing of this paper, however, should any fees be deemed necessary, the Commissioner is hereby authorized to deduct any such fees from Deposit Account No. 50-1662 referencing the above reference number.

1. CRF Sequence Listing – Notice to Comply

At page 4 of the Office Action, the Examiner alleges that the instant application does not comply with the requirement of 37 C.F.R. § 1.821-1.825 because the Office's STIC Biotechnology Systems Branch ("STIC") is unable to process the substitute Sequence Listing submitted via EFS-Web on January 30, 2007 (the "Sequence Listing").

Applicant respectfully submits that the Sequence Listing complies with 37 C.F.R. § 1.821-1.825. The Sequence Listing consists of sixty-three consecutively-numbered .txt files entitled "SeqList_X.txt," where X = 01 to 63 (*i.e.*, SeqList_01.txt, SeqList_02.txt ... SeqList_63.txt). Via a teleconference with STIC, Applicant has determined that the Office's Electronic Business Center ("EBC") mistakenly omitted fifty-five files of the Sequence Listing, and transmitted to STIC only eight files of the Sequence Listing consisting of SeqList_56.txt, SeqList_57.txt, SeqList_58.txt, SeqList_59.txt, SeqList_60.txt, SeqList_61.txt, SeqList_62.txt, and SeqList_63.txt. Consequently, as indicated on the CRF Problem Report attached to the Office Action, the sequence listing received by STIC is missing SEQ ID NOS: 1-8875301 and lacks numeric identifiers <110>-<160>.

Applicant submits that the file named "SeqList_01.txt" of the Sequence Listing contains numeric identifiers <110>-<170> as required under 37 C.F.R. § 1.823. Additionally, Applicant submits that SEQ ID NOS: 1- 8875301 are contained in files "SeqList_01.txt" through "SeqList_55.txt" of the Sequence Listing.

In view of the above remarks, Applicant submits that the Sequence Listing complies with 37 C.F.R. § 1.821-1.825 and respectfully requests that the request to resubmit the sequence listing in corrected form be reconsidered and withdrawn.

2. Election

At page 4 of the Office Action, the Examiner asserts that he is unable to search and examine the claims of the instant application and requests that Applicant resubmit the sequence listing in corrected

form along with the necessary papers and statements. Applicant notes that SEQ ID NO: 10068308, which was elected in the reply filed on January 30, 2007 is contained in the file entitled "SeqList_63.txt" of the Replacement Listing. Accordingly, Applicant respectfully submits that the Examiner may perform a search of the elected sequence.

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

POLSINELLI SHALTON FLANIGAN SUELTHAUS PC

Dated: April 23, 2007

By: /Teddy C. Scott, Jr., Ph.D./
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